

REMARKS

Claims 1 – 16 are in the application and have been subject to an election requirement as provided below.

The Examiner requires an additional election of species under PCT Rule 13.1 regarding the method claims 1 - 8. Applicants are required to provisionally elect a species for examination even if with traverse. More specifically, the Examiner requests Applicants to elect a species from the following: (i) insects, (ii) acarines, (iii) nematodes, and (iv) mollusks.

Applicants hereby provisionally elect with traverse to prosecute the method species (i) Insects. The elected species is included within the scope of the methods of claims 1 – 8.

Applicants traverse the requirement for the additional election of species. More specifically, Applicants submit that there is no lack of unity in the instant method claims 1 - 8. The examination of such inventions in the instant PCT national stage application clearly should not present an undue burden on the PTO. What is represented is interrelated subject matter. This interrelationship rather than the classification in separate classes should be the overriding factor in determining the propriety of the unity requirement. Additionally, the current guidelines on unity practice recommend the examination of different sets of claims when such examination would not be unduly burdensome or prolonged. For the foregoing reasons, it is contended that this guideline would apply to the instant set of claims.

Applicants aver that a complete response to the election requirement of the Examiner has been made and that the instant application and claims are now in condition for examination on their merits and for allowance.

Respectfully submitted,

USPTO Customer No. 26748
Syngenta Crop Protection, Inc.
Patent and Trademark Dept.
410 Swing Road
Greensboro, NC 27409
(336) 632-7895

/William A. Teoli, Jr./
William A. Teoli, Jr.
Attorney for Applicants
Reg. No. 33,104

Date: April 17, 2009